

Supreme Court of Florida

FRIDAY, JUNE 30, 2006

CORRECTED

CASE NO.: SC05-2228

INQUIRY CONCERNING A
JUDGE, NO. 05-131

RE: BRANDT C. DOWNEY, III

The stipulation between the Florida Judicial Qualifications Commission and Judge Brandt C. Downey, III, filed May 26, 2006, in the above case is approved. Pursuant to this stipulation:

- (i) Judge Downey may retain his position as Circuit Judge until the end of his term on January 1, 2007, at which time he will retire;
- (ii) After his retirement pursuant to this stipulation, Judge Downey will not serve as a Senior Judge and will not seek appointment or election as a judge;
- (iii) Judge Downey shall sign and provide to the Florida Judicial Qualifications Commission a letter of apology to the public, his fellow judges, and the legal community for his actions which have resulted in this case, which letter the Commission may distribute to the public;
- (iv) Judge Downey's restricted access to email and the internet at the courthouse shall continue to remain in place until his retirement;
- (v) Judge Downey shall continue his present counseling until such time as his counselor releases him. A copy of such release will be provided to the Florida Judicial Qualifications Commission;
- (vi) Judge Downey shall personally appear before this Court to receive a public reprimand at a date and time to be determined by this Court;
- (vii) Judge Downey shall sign a letter of resignation to take effect upon the finding of probable cause by the Florida Judicial Qualifications Commission of (1) any violation of the Code of Judicial Conduct other than the conduct set forth in the notice of formal charges or (2) Judge Downey's failure to abide by the terms of this stipulation;

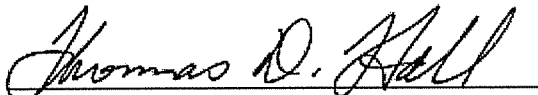
(viii) Judge Downey shall not file for re-election even if this Court has not ruled on this stipulation prior to the end of the qualifying period for the next election.

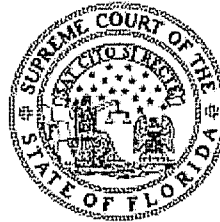
A formal opinion will follow.

We hereby command Judge Brandt C. Downey, III to appear before this Court at 8:30 a.m., Friday, September 22, 2006, for the administration of a public reprimand.

PARIENTE, C.J., and WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO and BELL, JJ., concur.

A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



tc
Served:

BROOKE S. KENNERLY
E. LANNY RUSSELL
JOHN R. BERANEK
SCOTT B. KALIL
MARVIN E. BARKIN
HON. BRANDT C. DOWNEY, III, JUDGE